

1636  
#41  
BP  
4-24-03  
Attorney Docket No.

Attorney Docket No. L5B 0137 001 S07

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KUMAGAI, ET AL. )  
SERIAL NO.: 09/359,300 ) EXAMINER: LEFFERS, JR.  
FILED: JULY 21, 1999 ) GERALD G.  
TITLE: METHOD OF DETERMINING THE ) ART UNIT: 1636  
PRESENCE OF A TRAIT BY TRANS- ) CONF. NO. 2643  
FECTING A NUCLEIC ACID SEQUENCE )  
OF A NON-PLANT DONOR IN A HOST )  
PLANT IN A POSITIVE SENSE )  
ORIENTATION )

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

APR 23 2003

RECEIVED

## REPLY TO NON-RESPONSIVE AMENDMENT

Sir:

A Notice of Non-Responsive Amendment was mailed on March 26, 2003. In such Notice, it was indicated that the communication filed on January 14, 2003 was not fully responsive, as the marked-up copy of the claims does not exactly match the clean copy. Specifically, it was indicated that the marked-up copy appears to indicate that a portion of step (d) may have been intended to be deleted. The Examiner indicated that it would be remedial to simply send in a copy of the marked-up copy of the claims that matches the clean copy filed as part the response filed January 14, 2003.

Submitted herewith on a separate sheet is a marked-up copy of the claims that matches the clean copy filed as part the response filed January 14, 2003. Step (d) of Claim 45 is retained as indicated.

It is believed that this submission is fully responsive, and applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

37 CFR 1.8

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on 4/15/03 (APR 15, 2003)


Signature

Name Tasha L. Cove

It is believed no fees are due with this submission; however, this constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: April 15, 2003



---

Darla G. Yoerg, #48.053  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
Telephone: (303) 268-0066  
Facsimile: (303) 268-0065